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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,996	01/13/2004	Peter M. Bonutti	780-A03-021-5	1472
33771	7590	06/29/2011	EXAMINER	
PAUL D. BIANCO			HOFTMAN, MARY C	
Fleit Gibbons Gutman Bongini & Bianco PL			ART UNIT	PAPER NUMBER
21355 EAST DIXIE HIGHWAY				3733
SUITE 115				
MIAMI, FL 33180				
MAIL DATE		DELIVERY MODE		
06/20/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/755,996	13 January 2004	BONUTTI, PETER M.	780-A03-021-5
<b>EXAMINER</b>			
PAUL D. BIANCO Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180			MARY HOFFMAN
<b>ART UNIT</b>		<b>PAPER</b>	
3733		20110609	

DATE MAILED:

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**Commissioner for Patents**

Newly submitted claim 51 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 51 is directed to a non-elected species, Species 4, FIG. 11.

Since applicant has received an action on the merits for the originally presented invention (Species 2, FIG. 9), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 51 and dependents thereof, claims 1, 4-10, 13, 15, 19, 31-32, 35, 37-39 and 48-50) are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since all pending claims are withdrawn, the response filed 11/10/2010 is non-responsive.

. Since the above-mentioned reply appears to be bona-fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment. EXTENSIONS OF TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

/EDUARDO C. ROBERT/  
Supervisory Patent Examiner, Art Unit 3733

/Mary C. Hoffman/  
Examiner, Art Unit 3733